

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

EDGAR REED, III

v.

GARY JOHNSON

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C.A. NO. C-06-71

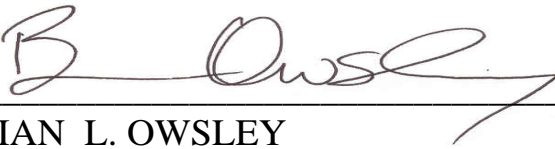
**ORDER DENYING MOTION FOR DISCOVERY**

Petitioner is a state inmate currently incarcerated at the Torres Unit in Hondo, Texas, who has filed a habeas petition pursuant to 28 U.S.C. § 2254. (D.E. 1). Pending is his motion for discovery. (D.E. 22).

A habeas petitioner is generally not entitled to discovery, rather “Rule 6 of the Rules Governing § 2254 cases permits discovery only if and only to the extent that the district court finds good cause.” Murphy v. Johnson, 205 F.3d 809, 814 (5th Cir. 2000) (emphasis added). The Fifth Circuit has explained that “[i]n order to establish good cause, the petitioner must demonstrate that ‘a factual dispute, if resolved in the petitioner’s favor, would entitle him to relief and the state has not afforded the petitioner a full and fair evidentiary hearing.’” Lave v. Dretke, 416 F.3d 372, 381 (5th Cir. 2005) (quoting Ward v. Whitley, 21 F.3d 1355, 1367 (5th Cir. 1994)). Petitioner has failed to establish good cause warranting discovery or interrogatories in this habeas petition.

Accordingly, petitioner's motion for discovery, (D.E. 22), is hereby  
DENIED.

ORDERED this 21st day of June 2006.



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BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE